

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

| | | |
|---|---|--------------------------------|
| DONNA GARBACCIO, individually and on behalf of all others similarly situated, |) | |
| |) | |
| Plaintiff, |) | Civil Action |
| |) | |
| v. |) | No. 2:16-cv-02740(JMV)(JBC) |
| |) | |
| ST. JOSEPH’S HOSPITAL AND |) | Honorable John Michael Vazquez |
| MEDICAL CENTER AND |) | United States District Judge |
| SUBSIDIARIES, <i>et al.</i> , |) | |
| |) | Honorable James B. Clark |
| |) | United States Magistrate Judge |
| Defendants. |) | |
| |) | CLASS ACTION |

**PLAINTIFFS’ UNOPPOSED MOTION
FOR FINAL APPROVAL OF SETTLEMENT
AGREEMENT AND CERTIFICATION OF SETTLEMENT CLASS**

Plaintiffs Donna Garbaccio, Mary Lynne Barker, Anne Marie Dalio, and Dorothy Flar (“Named Plaintiffs”), by and through their attorneys, respectfully move the Court for an Order: (1) granting final approval of the Class Action Settlement Agreement (“Settlement” or “Settlement Agreement”) described herein and preliminarily approved by the Court on October 5, 2017 (ECF No. 108); and (2) granting final certification of the Class pursuant to Federal Rules of Civil

Procedure 23(b)(1) and/or 23(b)(2).¹ Although they do not agree with all the averments stated in the supporting Memoranda, Defendants do not oppose the relief sought herein. For the reasons fully set forth in the accompanying Memorandum in Support of Plaintiffs' Unopposed Motion for Final Approval of Settlement Agreement and Certification of Settlement Class, Plaintiffs respectfully request that the Court GRANT the Motion and enter the Proposed Order, filed herewith.

Dated: January 19, 2018

Respectfully submitted,

/s/ Scott M. Lempert

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¹ Plaintiffs file the instant Motion contemporaneously with their Motion for Approval of Attorneys' Fees, Reimbursement of Expenses and for Incentive Awards to Named Plaintiffs.

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Counsel for Plaintiff Garbaccio

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 19, 2018, I electronically filed the Unopposed Motion for Final Approval of Settlement Agreement and Certification of Settlement Class with the Clerk of Court using the ECF filing system which in turn sent notice to all counsel of record.

/s/ Scott M. Lempert
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